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EXAMINER
NELSON, FREDA ANN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-6,9-12,14-16,19 and 20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-6,9-12,14-16,19 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The amendment received on January 12, 2009 is acknowledged and entered.

Claims 1 and 11 have been amended. Claims 3, 7-8, 13, 17-18, and 20 have been

canceled. No claims have been added. Claims 1-2, 4-6, 9-12, 14-16, and 19-20 are

currently pending.

Response to Amendments and Arguments

Applicant's arguments with respect to claims 1-2, 4-6, 9-12, 14-16, and 19-20

have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

The Examiner erroneously included claims 8 and 18 as allowable subject matter

in the last office. However, with further examination the Examiner discovered another

reference. Therefore, it is determined that the allowability of claims 5-6 and 15-16 is

withdrawn in view of the newly discovered reference(s) to Prakash (US PG Pub.

2002/143677), in view of Niki et al. (US PG Pub. 2001/0037257). Rejections based on

the newly cited reference(s) follow.

Specification

Applicant is reminded of the proper language and format for an abstract of the

disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that

the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in
the title. **It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc**. (emphasis added). In this case the Abstract begins with "A computer
system and method for calculating and estimating bulk product cost differentials is
disclosed herein". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

1.   **Claims 1-2, 9-12, and 19-20 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Alfred et al. (US PG Pub. 2003/0187808), in view of Prakash (US

PG Pub. 2002/0143677), still in further view of Niki et al. (US PG Pub.

2001/0037257).

As per claim 1, Alfred et al. disclose a computer system, comprising:

a processor (FIG. 1); and

a memory for storing computer readable instructions that, when executed by said

processor, cause the computer to perform the steps of (FIG 1) :

receiving a set of data corresponding to a set of predetermined variables (paragraph

[0014]); and

determining a difference in cost between products, and generating a cost differential report according to the estimated total cost for each product (paragraph [0016], [0109]); and

displaying the report (paragraph [0016]).

Alfred et al. does not expressly disclose using the set of data corresponding to the set of predetermined variables, and wherein the total cost estimate is based on determining a total material cost for one or more products.

Prakash discloses a cost savings goal may be stated in terms of a percentage relative to a baseline price or a monetary amount and may include parameters specifying one or more items (which may include raw materials, component parts, products, or other tangible or intangible things), suppliers, time frames, units within an organization, personnel within an organization, or other suitable parameters ([0018]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings system of Prakash in order to include the cost of materials in the total cost of products to determine the appropriate sale price for the seller to maximize profits.

Alfred et al. does not expressly disclose the step of displaying the report further comprises generating a graphical representation of costs and savings for each product.

However, Niki et al. (US PG Pub. 2001/0037257) disclose referring first to FIG. 11, an example of UI displayed on the personal computer of a purchaser (the leader of the bulk purchase group) upon "accessing to discount information" in FIG. 2 will be described ([0138]); and referring next to FIG. 12, an example of UI displayed on the

personal computer of a purchaser (the leader of the bulk purchase group) upon

"obtaining of discount information" in FIG. 2 will be described [0141]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Alfred et al. to include the

invention of Niki et al. in order to display savings or discounts to customers.

As per claim 2, Alfred et al. discloses the computer system of claim 1, wherein

the step of receiving a set of data corresponding to a set of predetermined variables

further comprises: receiving the set of data from the user through portions of a user

interface configurable for user input (paragraph [0017]).

As per claim 5, Alfred et al., in view of Niki et al. discloses the computer system

of claim 1 as described above, but does not specifically disclose determining the

percentage cost differential between each pair of products.

Prakash discloses accordingly, cost savings goal class 20a may allow a user to

define a cost savings goal in terms of items, suppliers, time, units within an

organization, personnel within an organization, and other suitable parameters

and specify a cost savings goal as a percentage relative to a baseline price or

as a monetary amount; accordingly, a cost savings goal object may include properties

such as a commodity dimension, a supplier dimension, a time dimension, a organization

dimension, and a buyer dimension; and a cost savings goal object may also include a

target savings percentage and a target savings amount, which may specify a particular

cost savings goal relative to an effective baseline price ([0019]; FIG 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings feature of Prakash in order to quickly determine a cost comparison and savings between products since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 6, Alfred et al., in view of Niki et al. disclose the computer system of claim 1 as described above, bit does not specifically disclose determining the difference in total cost between each pair of products.

Prakash discloses accordingly, cost savings goal class 20a may allow a user to define a cost savings goal in terms of items, suppliers, time, units within an organization, personnel within an organization, and other suitable parameters and specify a cost savings goal as a percentage relative to a baseline price or as a monetary amount; accordingly, a cost savings goal object may include properties such as a commodity dimension, a supplier dimension, a time dimension, a organization dimension, and a buyer dimension; and a cost savings goal object may also include a target savings percentage and a target savings amount, which may specify a particular cost savings goal relative to an effective baseline price ([0019]; FIG 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings feature of Prakash in order to quickly determine a cost comparison and savings between products since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 9, Alfred et al. discloses the computer system of claim 1, wherein the step of displaying the cost and savings calculations further comprises: prompting the user with an option to purchase the product (paragraph [0108]).

As per claim 10, Alfred et al. discloses the computer system of claim 1, wherein the step of displaying the cost and savings calculations further comprises: displaying sales contact information (paragraph [0108]).

As per claim 11, Alfred et al. discloses computer-readable medium having computer-executable instructions for performing a method of calculating and comparing costs and savings for one or more products, the method comprising:

receiving a set of data corresponding to a set of predetermined variables (paragraph [0014]);

determining a difference in cost between products, and generating a cost

differential report according to the estimated total cost for each product (paragraph [0016], [0109]); and

displaying the report (paragraph [0016]).

Alfred et al. does not expressly disclose using the set of data corresponding to the set of predetermined variables, and wherein the total cost estimate is based on determining a total material cost for one or more products.

Prakash discloses a cost savings goal may be stated in terms of a percentage relative to a baseline price or a monetary amount and may include parameters specifying one or more items (which may include raw materials, component parts, products, or other tangible or intangible things), suppliers, time frames, units within an organization, personnel within an organization, or other suitable parameters ([0018]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings system of Prakash in order to include the cost of materials in the total cost of products to determine the appropriate sale price for the seller to maximize profits.

Alfred et al. does not further expressly disclose the step of displaying the report further comprises generating a .graphical representation of costs and savings for each product.

However, Niki et al. (US PG Pub. 2001/0037257) disclose referring first to FIG. 11, an example of UI displayed on the personal computer of a purchaser (the leader of the bulk purchase group) upon "accessing to discount information" in FIG. 2 will be described ([0138]); and referring next to FIG. 12, an example of UI displayed on the

personal computer of a purchaser (the leader of the bulk purchase group) upon

"obtaining of discount information" in FIG. 2 will be described [0141]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Alfred et al. to include the

invention of Niki et al. in order to display savings or discounts to customers.

As per claim 12, Alfred et al. disclose the computer readable medium of claim

11, wherein the step of receiving a set of data corresponding to a set of predetermined

variables further comprises:

receiving the set of data from the user through portions of a user interface

configurable for user input (paragraph [0017]).

As per claim 15, Alfred et al. in view of Niki et al. disclose the computer-

readable medium according to claim 11 as described above, but does not specifically

disclose determining the percentage cost differential between each pair of products.

Prakash discloses accordingly, cost savings goal class 20a may allow a user to

define a cost savings goal in terms of items, suppliers, time, units within an

organization, personnel within an organization, and other suitable parameters

and specify a cost savings goal as a percentage relative to a baseline price or

as a monetary amount; accordingly, a cost savings goal object may include properties

such as a commodity dimension, a supplier dimension, a time dimension, a organization

dimension, and a buyer dimension; and a cost savings goal object may also include a

target savings percentage and a target savings amount, which may specify a particular

cost savings goal relative to an effective baseline price ([0019]; FIG 2). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the invention of Alfred et al. to include the cost savings feature of

Prakash in order to quickly determine a cost comparison and savings between products

since the claimed invention is merely a combination of old elements, and in the

combination each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of

the combination were predictable.

   As per claim 16, Alfred et al., in view of Niki et al. disclose the computer-

readable medium according to claim 11 as described above, bit does not specifically

disclose determining the difference in total cost between each pair of products.

   Prakash discloses accordingly, cost savings goal class 20a may allow a user to

define a cost savings goal in terms of items, suppliers, time, units within an

organization, personnel within an organization, and other suitable parameters

and specify a cost savings goal as a percentage relative to a baseline price or

as a monetary amount; accordingly, a cost savings goal object may include properties

such as a commodity dimension, a supplier dimension, a time dimension, a organization

dimension, and a buyer dimension; and a cost savings goal object may also include a

target savings percentage and a target savings amount, which may specify a particular

cost savings goal relative to an effective baseline price ([0019]; FIG 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings feature of Prakash in order to quickly determine a cost comparison and savings between products since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 19, Alfred et al. discloses the computer-readable medium according to claim 11, wherein the computer-executable instructions for performing the step of displaying the cost and savings calculations further comprises: prompting the user with an option to purchase the product (paragraph **[0108]**).

As per claim 20, Alfred et al. discloses the computer-readable medium according to claim 11, wherein the computer-executable instructions for performing the step of displaying the cost and savings calculations further comprises: displaying sales contact information (paragraph **[0108]**).

2.   Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfred et al. (US PG Pub. 2003/0187808), in view of Prakash (US PG Pub. 2002/0143677), still in further view of Niki et al. (US PG Pub. 2001/0037257), as

**applied to claims 1 and 11 above, and further in view of Musafia et al. (US PG Pub.
2002/0038235) .**

As per claim 4, Alfred et al. , in view of Prakash, in view of Niki et al. discloses

the computer system of claim 1, but does not specifically disclose determining a total

hidden cost value for one or more products.

Musafia et al. discloses total production cost is the materials and supplies cost

(as referenced above) are summed with the labor cost (as referenced above) and one

or more safety margin costs, called the Hidden Cost Correction Parameter

(HCC+P) ([0162]); and DELTA.=Cost of materials and supplies to produce given

product item, as calculated above ([0163]; and SIGMA.=Hidden Cost Correction

Parameter (HCC+P) ([0165]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Alfred et al. to include the

calculation of hidden cost as described in Musafia in order to make more reliable

calculations pertaining to known and unknown cost components as they pertain to total

cost.

As per claim 14, Alfred et al., in view of Prakash, in view of Niki et al. discloses

the computer-readable medium according to claim 11 as described above, but does not

specifically disclose determining a total hidden cost value for one or more products.

Musafia et al. discloses total production cost is the materials and supplies cost

(as referenced above) are summed with the labor cost (as referenced above) and one

or more safety margin costs, called the Hidden Cost Correction Parameter

(HCC+P) ([0162]); and DELTA.=Cost of materials and supplies to produce given

product item, as calculated above ([0163]; and SIGMA.=Hidden Cost Correction

Parameter (HCC+P) ([0165]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Alfred et al. to include the

calculation of hidden cost as described in Musafia in order to make more reliable

calculations pertaining to known and unknown cost components as they pertain to total

cost.

Examiner's Note

3.   Examiner cited particular pages, columns, paragraphs and/or line numbers in the

references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested that, in preparing responses, the applicant

fully consider the references in entirety as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or disclosed

by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-

7076. The examiner can normally be reached on Monday -Wednesday and Friday,

10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

/F. A. N./
Examiner, Art Unit 3628

/FREDA A. NELSON/
Examiner, Art Unit 3628